

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

**Kenric McClary and Constance Michele
McClary**

Case No. 10-82001

S.S. Nos.: xxx-xx-0734 and xxx-xx-8570

Mailing Address: 3918 Wake Forest Highway, Durham, NC 27703-

Debtors.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on October 29, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: November 17, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtors
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: 10/21/10

Lastname-SS#: McClary-0734

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral
Verizon Wireless		Cell Phone
IRS		N/A

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

ARREARAGE CLAIMS

Creditor Name	Sch D #	Arrearage Amount	(See †)
			**
			**
			**
			**
			**
BOA - 1st DOT	1	\$12,048	**
	1		**
			**
			**

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral
YMCA	

1st DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
BOA - 1st DOT	1	\$821	N/A	n/a	\$821.00	House and Land
			N/A	n/a		
			N/A	n/a		
			N/A	n/a		

2nd SECURED DEBTS - FMV

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
GMAC-2nd DOT		\$15,149	5.00	\$151	\$285.90	House, Land & Escrow
			5.00			
			5.00			
			5.00			

3rd SECURED DEBTS - 100%

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			5.00			
			5.00			
			5.00			
			5.00			
			5.00			

ATTORNEY FEE (Unpaid part)

Amount
Law Offices of John T. Orcutt, P.C.

SECURED TAXES

Secured Amt
IRS Tax Liens

Real Property Taxes on Retained Realty

UNSECURED PRIORITY DEBTS

Amount
IRS Taxes

State Taxes

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%)

Int. %	Payoff Amt
All Co-Sign Protect Debts (See*)	

GENERAL NON PRIORITY UNSECURED

Amount**
DMI= None(\$0)

Other Miscellaneous Provisions

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$1,386** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **60** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

CERTIFICATE OF SERVICE

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue
c/o NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

US Attorney's Office (ED)**
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

Credit Bureau of Greensboro**
Post Office Box 26140
Greensboro, NC 27402-0040

Employment Security Commission
Attn: Benefit Payment Control
Post Office Box 26504
Raleigh, NC 27611-6504

Absolute Collection Service **
421 Fayetteville Street Mall
Suite 600
Raleigh, NC 27601

CSDUR
Post Office Box 530
Durham, NC 27702-0530

Credit Bureau
Post Office Box 26140
Greensboro, NC 27402

Bank of America Home Loans
Attn: Managing Agent
Post office Box 5170
Simi Valley, CA 93062-5170

Dpednelnet
121 South 13th Street
Lincoln, NE 68508

NC Child Support
Centralized Collections
Post Office Box 900006
Raleigh, NC 27675-9006

Brock & Scott PLLC **
5431 Oleander Drive
Suite 200
Wilmington, NC 28403-5835

Durham County Tax Collector
Post Office Box 3397
Durham, NC 27701

Equifax Information Systems LLC
P.O. Box 740241
Atlanta, GA 30374-0241

Capital One Bank**
Post Office Box 30285
Salt Lake City, UT 84130-0285

Durham County Tax Collector
P.O.Box 3397
Durham, NC 27702

Experian
P.O. Box 2002
Allen, TX 75013-2002

CBUSA/Sears
Post Office Box 6282
Sioux Falls, SD 57117

Fannie Mae
3900 Wisconsin Ave, NW
Washington, DC 20016-2892

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2000

Chase **
Cardmember Service
Post Office Box 15298
Wilmington, DE 19850-5298

First Premier Bank
Post Office Box 5542
Sioux Falls, SD 57117

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Ste. 100
Woodbury, MN 55125

Child Support Enforcement
Post Office Box 20800
Raleigh, NC 27619-0800

Freddie Mac
8200 Jones Branch Dr
Mc Lean, VA 22102-3100

Internal Revenue Service (ED)**
Post Office Box 21126
Philadelphia, PA 19114-0326

Citi Card****
Post Office Box 6500
Sioux Falls, SD 57117-6500

GEMB/Old Navy
Post Office Box 103104
Roswell, GA 30076

GMAC Mortgage****
Attn: Managing Agent
P.O. Box 4622
Waterloo, IA 50704

SLC
701 East 60th Street North
Sioux Falls, SD 57104-0432

HSBC Bank
Post Office Box 5253
Carol Stream, IL 60197-5253

SunTrust
Recovery Department
Post Office Box 85041
Richmond, VA 23285-5041

Internal Revenue Service (MD)**
Post Office Box 21126
Philadelphia, PA 19114-0326

US Attorney's Office (MD)**
Middle District
Post Office Box 1858
Greensboro, NC 27502-1858

North Carolina Department of Revenue
c/o Reginald S. Hinton
Post Office Box 25000
Raleigh, NC 27640-5000

USD/Gleisi
PO Box 7860
Madison, WI 53704

North Carolina Dept of Revenue**
Post Office Box 1168
Raleigh, NC 27602-1168

Wam Com
101 Convention Center STE 850
Las Vegas, NV 89109

North Star Capital Acquisition, LLC
c/o Sessoms & Rogers, P.A.
Post Office Box 52508
Durham, NC 27717

Wells Fargo Bank, N.A.
Attn: Managing Agent
7105 Corporate Drive
Plano, TX 75024

Private Diagnostic Clinic, PLLC
P.O. Box 900002
Raleigh, NC 27675-9000

Wells Fargo Financial
800 Walnut Street
Des Moines, IA 50309

RCS
CSRECS01
Post Office Box 1022
Wixom, MI 48393-1022

YMCA
215 Morgan Street
Durham, NC 27701

Sallie Mae
1002 Arthur Drive
Lynn Haven, FL 32444